



STATE OF WEST VIRGINIA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WASTE MANAGEMENT  
1260 Greenbrier Street  
Charleston, West Virginia 25311

GASTON CAPERTON  
Governor

J. EDWARD HAMRICK III  
Director

LARRY W. GEORGE  
Deputy Director

Certified Mail  
Return Receipt Requested

November 22, 1989

Mr. Garrett Weaver  
W & G Electroplating  
Post Office Box 389  
Fairmont, West Virginia 26554

Dear Mr. Weaver:

Enclosed is Order Number HW-226-89 issued by the Chief of the Division of Waste Management. It requires that your facility take several specific actions immediately, and also requires that other actions be taken within stipulated time frames.

Chapter 20, Article 5E, Section 17 of the West Virginia Code provides for penalties of up to \$5,000 per day for failure to comply with this Order.

If you have any questions, feel free to call me at (304) 348-5929.

Sincerely,

Wally Schwartz  
Acting Administrative Unit Leader  
Enforcement Section

WS:ts

Enclosure

cc: Robert Pollitt, Deputy Attorney General  
Doug Donor, EPA, Region III  
Dave Swisher, Inspector

AR200020



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O R D E R

ISSUED UNDER THE

HAZARDOUS WASTE MANAGEMENT ACT

WEST VIRGINIA CODE, CHAPTER 20, ARTICLE 5E

Order Number HW-226-89

TO: W & G Electroplating  
Post Office Box 389  
Fairmont, West Virginia 26554

This Order is issued by the Chief of the Division of Waste Management (hereinafter "Chief") under the authority of West Virginia Code, Chapter 20, Article 5E, Sections 13 and 14 to W & G Electroplating (hereinafter W & G).

Basis For Order

In support of this Order, the Chief hereby finds the following:

1. A compliance Evaluation Inspection of W & G conducted on September 14, 1989 by authorized representatives of the Chief revealed that W & G is storing hazardous waste without a permit or interim status in violation of Chapter 20, Article 5E, Section 8 of the Code of West Virginia and Section 11.1 of the West Virginia Hazardous Waste Management Regulations (hereinafter "the Regulations").

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2. This same inspection disclosed that W & G has failed to make a hazardous waste determination on all wastes generated by the facility, in violation of Section 6.1.2 of the Regulations.
3. Also, this and subsequent inspections confirmed that W & G had failed to mark all tanks and containers holding hazardous waste with the words "Hazardous Waste" and the date upon which accumulation began, in violation of Section 6.3.5 of the Regulations.
4. In addition, the September 14, 1989 inspection revealed that W & G had not posted all necessary information by the telephone, in violation of Section 10.1.3.d.2 of the Regulations.
5. And, finally, laboratory analysis of samples of waste taken on September 18, 1989 at the facility confirmed that hazardous waste (E. P. Toxic Lead and Chrome) have been disposed of without a permit or interim status, in violation of Section 11.1 of the Regulations and Chapter 20, Article 5E, Section 8 of the Code of West Virginia.

Requirement Of Order

Now, therefore, under the authority granted to the Chief by the West Virginia Code, Chapter 20, Article 5E, Sections 13 and 14 of the Code of West Virginia, it is hereby ORDERED by the Chief as follows:

1. Upon receipt of this Order, W & G must:
  - A. Immediately cease the disposal of E. P. Toxic Lead dross in any manner other than shipment off-site to a permitted facility, in compliance with the Regulations.
  - B. Immediately cease venting chromic acid fumes either to the atmosphere or the land.
  - C. Label all tanks and containers holding hazardous waste with the words "Hazardous Waste" and the date upon which accumulation began, in compliance with Section 6.3.5 of the Regulations.
  - D. Post all information required by Section 10.1.3 of the Regulations by the telephone.

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2. Within 30 days of receipt of this Order, W & G must submit to the Chief, a proposed plan (hereinafter "Plan") for carrying out any and all sampling and analysis required to determine the extent of contamination caused by the disposal of hazardous waste at the site. The Plan shall include, at a minimum:
  - A. A map with scale of at least 1 inch = 20 feet which shows proposed locations of sample sites to be used in defining the extent of soil and surface water contamination, disposal sites and the location of physical structures, natural features and other landmarks.
  - B. A description of the sampling and analysis techniques to be utilized, and quality assurance/quality control measures which will be taken during the collection of waste, soil and water samples and their analysis.
  - C. A list of company and/or contract personnel and their qualifications who might be called upon to perform sampling, analysis and cleanup tasks.
  - D. A schedule for the implementation of the Plan.
3. Within 15 days of receipt of the Plan, the Chief shall have the option of approving the proposed Plan as submitted, modifying the Plan, requiring W & G to modify the Plan or rejecting the Plan.
4. W & G shall implement the Plan within seven days of approval of the Plan by the Chief. W & G shall notify the Chief at least 72 hours prior to engaging in field activities stipulated in this Order.
5. If the Chief rejects the Plan or requires W & G to modify the Plan, W & G shall, within 15 days of notification of rejection or required modification, submit a new or revised Plan which shall be subject to the procedure outlined in paragraph two of Requirements of Order.
6. In the event of two consecutive rejections by the Chief, W & G may be considered to have violated the terms of this Order. the Chief may file for civil action in circuit court.

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7. Within 60 days of receipt of this Order, complete a hazardous waste determination on all wastes on-site, and ship off-site all wastes presently being unlawfully stored, in full compliance with the Regulations.

Notice Of Right To Appeal

Any person aggrieved or adversely affected by an Order of the Chief made and entered in accordance with provisions of Chapter 20, Article 5E of the Code of West Virginia may appeal to the Water Resources Board as provided for under Chapter 20, Article 5E, Section 19 of the Code of West Virginia.

11-22-89

Date of Issuance

B. Douglas Steele  
B. Douglas Steele, Ph. D., Chief  
Division of Waste Management

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